Unprivileged Belligerency: The IRA

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Formal declarations of war have long been out of fashion. But when a state of war . . . is recognized as such by all the countries involved in it, persons who kill innocent civilians (e.g., by bombing raids) are not regarded as murderers and may even be militarily decorated. If caught by the enemy they are entitled to be treated, not as criminals but in the special category of prisoners of war.

But what happens when one side holds that a state of war exists and the other does not? The IRA believe themselves to be at war with the United Kingdom and they use the language appropriate to a state of war, speaking of a "truce" or "renewed hostilities." We on the other hand deny that a state of war exists and convict their bombers as murderers like anyone else who kills intentionally.

Who then is to decide when the parties themselves do not agree when a war is not a war? The reverse side of the coin is now apparent in a protest . . . against the privileged treatment of prisoners in Northern Ireland signed by a large number of offenders serving long sentences for "ordinary" crimes in one of our top security prisons. . . .

— Lady Wooton of Abinger[1]

WHEN THE BRITISH Government applied the counterinsurgency tactics it developed in the colonies to political violence in the 1970s during "The Troubles" in Northern Ireland, legal problems arose.[2] The Irish Republican Army (IRA) claimed it was at war. Was it? And if so, what rights could the IRA claim and what duties did it owe? If The Troubles was not a war, what were the legal consequences, and who defined those consequences? Ultimately, the government's tactics were reviewed by the European Court of Human Rights.[3] The Court's ruling, binding only on those states within its jurisdiction, serves as a benchmark to evaluate U.S. practices and emphasizes the gap between peacetime human-rights law and wartime humanitarian law. This gap is of particular importance to the U.S. military, which is fighting in ill-defined legal territory and has been criticized for not complying with the rule of law.

The Troubles

Each August the Protestant majority in Northern Ireland commemorates the victory at Londonderry over Catholic King James II's invading army in 1689. The culmination of The Marching Season of 1969 was marked on 12 August by the traditional appearance of a Protestant crowd on the ramparts of the city and the token tossing of pennies on the Catholic Bogside area below. That year the Catholics, whose traditional marches had been banned, responded with stones, bricks, and marbles propelled by catapults.[4]

Police attempts to break up the riot failed and by the following day similar Catholic demonstrations—earmarked by the erection of barricades, attacks on police stations, and disruption of traffic—occurred throughout the province. Subsequently troops were deployed to restore law and order as pitched battles took place between Catholic and Protestant mobs. The Catholic community originally welcomed the Army's intervention because the Army was seen to be politically neutral, unlike the Royal Ulster Constabulary, which was overwhelmingly Protestant and perceived to support the status quo.

The minority community's attitude toward the Army changed, however, when they realized its mission was to maintain the Protestant unionist government. Meanwhile, in January 1970, IRA members who supported violence left the main organization and formed the Provisional IRA. The Provos led violence against the government, the Army, and police. The Protestant community responded by forming vigilante groups. Violence escalated, climaxing on Bloody Sunday, 30 January 1972, when (under circumstances that remain controversial) paratroopers fired on a crowd in Londonderry's Bogside killing 13 persons less than 19 years of age and wounding 13 adults, including a woman. By 1984, when the Army withdrew from major operations in Northern Ireland, the number of dead included 377 Army soldiers, 146 from the Ulster Defense Regiment (similar to our National Guard). One hundred ninety-eight policemen and 1,668 civilians also died.

Once political violence achieves a certain level of intensity, the government must answer two fundamental questions: Should military forces be called on to aid or replace the police? And must the criminal justice system be supplemented in some fashion by extraordinary means?

An affirmative answer to the first question has legal consequences. If political unrest reaches the level of civil war, then "the customary law of war becomes applicable . . . on recognition of the rebels as belligerents."[5] Domestic law might consider them traitors, but once their belligerency is recognized by other states and if they abide by the law of war, then rebel combatants might claim the law of war's protections.[6] Of course, both sides see international recognition of belligerency as acknowledgment of the rebels' claim to legitimacy.

If rebels are not recognized (and they rarely are), international law recognizes a state of insurgency, which might have domestic and international legal consequences. If in their efforts to replace the government, insurgents adhere to the law of war (they rarely do), the international community expects their opponents to treat them humanely, even though domestic law would treat them as rebels.[7] Political violence that has not reached the level of insurgency weighs in lower still on the scales of belligerency.

Domestic law disregards motives and accords those engaging in political violence the same protections granted criminals (modified, perhaps, by provisions effected during a state of emergency). As in the case of insurgents, international human-rights law expects perpetrators of political violence to be treated humanely. Thus, for rebels to claim the protection of international humanitarian law (the law of war) they must adhere to it as well. If they do not, international human-rights law (peacetime standards) will protect them at a certain minimum level. Agents of the state (soldiers or police) must also comply with domestic laws.

During the Northern Ireland Troubles of the 1970s, British soldiers were charged in domestic courts with manslaughter if they used deadly force "unreasonably," even though their victims were, or appeared to be, engaging in acts of violence.[8] Under wartime rules, a soldier who uses deadly force will be convicted only if he kills a person who has a protected legal status (a nonbelligerent) by firing indiscriminately or when he could have used a nonlethal weapon.[9] The order to shoot to kill an opposing combatant is licit in wartime military operations but illicit if given to a soldier carrying out police duties. One analyst of the so-called "secret war" asks: "Why are the security forces at the incident in the first place? If it is a result of foreknowledge of a terrorist attack there might be ways to stop it other than through armed confrontation.

"Once a confrontation between soldiers or police and terrorists begins, is it necessary for firearms to be used? This includes the important matter of whether the terrorists are armed and whether they are warned that force is about to be used.

"Last, once the soldiers and police have decided to open fire, how are the bullets aimed? Are they told to fire at a person's vital organs and to keep firing until the target is out of action, usually permanently, or are there other ways to use a weapon? On this last point, that of shooting to kill in the most literal sense, there has never been any real question that both police and Army firearms training emphasize the need to use a weapon in just this way, once the firer finds himself or herself in great danger. So it is on the other two elements of the 'shoot to kill' policy that inquiries have normally centered."[10]

These questions are unthinkable if asked of a soldier confronting a belligerent during wartime. Nor need the soldier find himself or herself in great danger. The IRA and its supporters used terms appropriate to belligerency, speaking of truces or renewed hostilities. However, critics of British policies in Northern Ireland insisted that the

Geneva Conventions did not apply: "It is important to stress [that] no state of war or armed conflict officially exists in Northern Ireland. . . . If the laws of war were applicable, the relevant legal standard of review in some of the lethal force incidents would be the Geneva Conventions. . . ."[11] Thus, in calling on the Army to help with police duties, neither the government nor the IRA claimed that the Geneva Conventions applied to decisions to use deadly force. Domestic British and international human-rights law determined criteria for its use.

At the peak of violence during the 1970s, could the Provisional IRA (a nonstate actor before the term existed) have successfully claimed the protection of the law of armed conflict, specifically the Geneva Conventions? If not, what consequences would this entail? The Geneva Conventions require a conflict—a war. Traditionally, war is a "properly conducted contest of armed public forces."[12] While the Provos were armed, they certainly were not public because they were not organs of a state. However, Common Article 3 of the Geneva Conventions contains an understanding that basic humanitarian rules will be respected in internal disputes.[13] In explaining this, R.T. Yingling and R.W. Ginnane say that certain things (murder, torture, mutilation) a civilized state would probably not be expected to do anyway were eschewed.[14]

The Geneva Conventions, combined with customary practice, constitute international humanitarian law—the law of armed conflict. Article 4 of the Third Geneva Convention reads:

A. Prisoners of war, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy:

(1) Members of the armed forces of a Party to the conflict as well as members of militias or volunteer corps forming part of such armed forces.

(2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfill the following conditions:

(a) that of being commanded by a person responsible for his subordinates;

(b) that of having a fixed distinctive sign recognizable at a distance;

(c) that of carrying arms openly;

(d) that of conducting their operations in accordance with the laws and customs of war.

(3) Members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power. . . ."[15]

Suspected IRA members could not be fitted into any of Article 4's categories because:

- They were not members of the armed forces of a party to the conflict (if conflict it was).
- Although they (perhaps) "professed allegiance to . . . an authority not recognized [by the U.K.], they were not 'members of regular armed forces.'"
- They were not "inhabitants of a nonoccupied territory, who . . . spontaneously [took] up arms to resist the invading forces."

They did not fit within Article 3 either. Article 3, common to all four Geneva Conventions, reads: *In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:*

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(b) taking of hostages;

(c) outrages upon personal dignity, in particular, humiliating and degrading treatment;

(d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples."[16]

Assuming The Troubles constituted armed conflict not of an international character (a fact Her Majesty's Government contested), suspected IRA members could not claim to be "persons taking no active part in the hostilities" or "members of armed forces who have laid down their arms."[17]

What of the legal consequences of using extraordinary legal means to respond to political violence? IRA suspects charged with crimes could claim the rights guaranteed accused persons by the domestic criminal justice system and by international human-rights law. But what rights could detainees—those persons held simply on suspicion that they were affiliated with the Provisional IRA—claim? Their legal status determined what their domestic and international rights were.

Kelly v. *Faulkner and Others* exemplifies the legal consequences of Operation Demetrius, the code name for synchronized provincewide raids carried out by the Army on 9 August 1971 to arrest and intern 500 suspected Provos.[18] Kelly, one of those taken in the raids, subsequently sued government officials for illegal arrest and imprisonment. Internment was authorized by the Civil Authorities (Special Powers) Act (Northern Ireland) of 1922 and regulation 11(1) issued pursuant to the Act which permitted "any . . . member of Her Majesty's Forces on duty when the occasion for the arrest arises [to] arrest without warrant any person whom he suspects of acting or having acted or of being about to act in a manner prejudicial to the preservation of the peace or the maintenance of order. . . ."[19] The Army relied on this provision when it took Kelly into custody. They did not tell him why he was being arrested, nor did the police to whom he was turned over later that day. He learned the reason 2 days later, on 11 August, when he was served with a copy of the detention order interning him. The order said he had been arrested under the Special Powers Act as a person suspected under the provisions of that Act. Because the Army had not passed him over to the civil authorities properly, he could legitimately assert a tort claim damage for the period he had been illegally detained.[20]

If a detention order were legally issued according to domestic law, what legal rights did the detainee (or internee) have?[21] Twenty years after Operation Demetrius, the editors of a book surveying preventive (that is, nonpunitive) detention practices in common-law countries like the United States and the United Kingdom observed that "[o]ne striking feature . . . is the almost complete absence of provisions dealing specifically with the treatment of detainees."[22] Northern Irish detainees had, in fact, several rights. The *Kelly* case exemplifies their right to bring a suit against a government official for damages if they had been illegally imprisoned. They could use the writ of habeas corpus to challenge the legality of their detention. Reasonableness was not essential to the suspicion on which their detention was based, so the detainee was limited to claims that the detention was effected by bad faith or irrelevant considerations.[23]

In November 1972, the Detention of Terrorists Order abolished internment and set up a quasi-judicial proceeding that permitted a detainee to have a lawyer and to question the grounds on which he was being held.[24] The Army played no part in the proceedings. It did, however, play a major role in implementing the decision to engage in coercive interrogation techniques, which the Army described as "interrogation in depth."[25]

The techniques had been developed from the experiences of British prisoners interrogated during the Korean War by the Chinese and North Koreans. Interrogation techniques were taught at the Joint Services Intelligence School, and soldiers in the Special Air Service and the Royal Air Force flying crews were taught how to resist them. In *Pig in the Middle: The Army in Northern Ireland 1969-1984*, Desmond Hamill says: "The techniques had been used in Aden, where they had caused a stir and given rise to allegations of torture. There had been an enquiry and the rules governing their use had been revised . . . . The techniques came to be used in Northern Ireland [and it] was agreed that the RUC [Royal Ulster Constabulary] did need training [in interrogation]. It was decided that Army Intelligence would give the training, but would not take part in the interrogations."[26]

Twelve of the 9 August detainees were the subjects of an interrogation in depth. In the book *The Guinea Pigs*, John McGriffin describes some techniques commonly used: standing against a wall in a stressed position; hooding; subjection to noise; and deprivation of sleep, food, and drink.[27] Two other alleged techniques were putting hooded prisoners in a helicopter, giving them the impression they were airborne, then pushing them out; and forcing prisoners to run a gauntlet of stick-wielding police officers.

A subsequent government inquiry failed to discuss which agency (the Army or the civilian police force) was responsible for ordering and carrying out the interrogations.[28] What is certain is that Army intelligence officers trained the interrogators in techniques that were described as war

crimes when they were used against UN Forces in Korea. Army aviation personnel also probably participated in the helicopter "flights," which had been condemned after U.S. forces engaged in the practice in Vietnam.

The Law and War

This article is about legal categories: war and peace, privileged and nonprivileged belligerents, and the rights they can claim. If the IRA's claim that it was at war had been accepted, its "soldiers" could have been shot on sight, but if captured, they might have enjoyed prisoner of war (POW) status and sought protection from interrogation afforded by Article 17 of General Convention III: "[N]o physical or mental torture, nor any other form of coercion, might be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer might not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind."[29] They were not POWs, however. The Conventions did not apply. But Human Rights Law did. The United Kingdom had signed the *European Convention for the Protection of Human Rights,* which forbade torture as well as inhumane, degrading treatment.

In *Ireland* v. *United Kingdom,* the European Court of Human Rights, hearing the claims of the "August 9th Twelve," engaged in the same legal parsing of terms as those the Bush Administration now uses. The court concluded that the techniques did not constitute torture but did constitute inhumane, degrading treatment and awarded damages to the claimants.[30] No one in the British Government—military or civilian—was punished.

We have seen that soldiers' use of deadly force was measured by civilian and domestic legal standards and that they were subject to criminal prosecution for deviations from norms as set forth in the 1968 *Manual for Military Law,* which merely authorizes "any person to use such force as is necessary in the circumstances in the prevention of crime." Presumably the soldier would be granted some latitude to decide how much deadly force to use and when (if he has no other alternatives), but this norm was limited by the so-called Yellow Cards carried by soldiers intended to restrict the use of deadly force without a preliminary challenge and to situations "where a person is committing or about to commit an act likely to endanger life and there is no other way to prevent the danger."[31]

Special Air Service teams on undercover stakeouts thought this requirement was unreasonable; there is some evidence of perjury in subsequent prosecutions. Because of the threat of prosecution, "[o]fficers of the Army Legal Services were specially trained in the law of minimum force and it became routine for them to meet soldiers before interviews by the [civilian police] C[riminal] I[nvestigation] D[ivision], which has the responsibility for following up fatal incidents, and to remain with the soldiers during their interviews. Soldiers' statements given to courts were therefore prepared in consultation with Army legal officers on a routine basis. The need to satisfy the court that the amount of force used had been reasonable and necessary resulted in the 1980s in statements which sounded remarkably similar from one incident to another, despite the obvious confusion that surrounded some of the deaths."[32]

One senior British Army lawyer said that "when a soldier opened fire the impression was not so much 'Lets see where those rounds went' as 'Oh my God! We will now have to submit a report to the DPP [Director of Public Prosecutions]. Someone will be asking questions in the House of Commons. We must get the right answers so that the furious questioners can be told that the police are thoroughly investigating.' What a way to run a war."[33] Of course, the lawyer knew, intellectually, that it was not a war.

At the international level, lawyers sought, through Article 44 of Additional Protocol I to the Geneva Conventions, to treat detained "freedom fighters" as POWs. So, the IRA's claims of humanitarian-law protection for prisoners remained questionable. We do know that the kind of treatment to which IRA members were subjected did breach European human-rights law, but we cannot say with certainty that the European norm represents an international norm. We can also say with certainty that the lawyers, judges, academics, and media analysts who have commented on U.S. military responses to the Global War on Terrorism have shown a woeful ignorance of the British experience. And, finally, we can conclude that the term "war on terrorism" might be a useful rhetorical trope, but it does not create any useful legal categories. ***MR***

NOTES

1. Lady Wooton of Abinger, letter to *The Times*, Issue 59311, 15, col. E, 4 February 1975.

2. Summarized in Frank Kitson, *Low Intensity Operations: Subversion, Insurgency and Peacekeeping* (London: Faber & Faber, 1971). See also Robert Thompson, *Defeating Communist Insurgency: Experiences from Malaya and Vietnam* (Studies in International Security) (New York: Palgrave Macmillan, 2 March 1978). My historical narrative relies on Desmond Hamill's *Pig in the Middle: The Army in Northern Ireland 1969-1984* (London: Methuen, 1985).

3. *Republic of Ireland* v. *United Kingdom* (Series A, No. 25), European Court of Human Rights (1979-80), 2, European Human Rights Report (EHRR) 25, 18 January 1978.

4. For over a generation, religious affiliations have been downplayed and political goals emphasized in academic discussions of factionalism in Northern Ireland. Since 9/11, denominational affiliations have once again been recognized as a motivating factor for political violence. Protestant Unionists, called Loyalists, want to maintain Northern Ireland's relationship with the United Kingdom. Some members of the minority Catholic community describe themselves as Nationalists and want political integration with the Republic of Ireland. Most Catholic Nationalists simply seek some form of power sharing within the United Kingdom.

5. U.S. Army Field Manual (FM) 27-10, *The Law of Land Warfare* (Washington, DC: U.S. Government Printing Office [GPO], 18 July 1956, Change 1, 15 July 1976), para. 11a.

6. "The law of war is derived from two principal sources: a. *Lawmaking Treaties (or Conventions)*, such as The Hague and Geneva Conventions. b. *Custom*. Although some of the law of war has not been incorporated into any treaty or convention to which the United States is a party, this body of unwritten or customary law is firmly established by the custom of nations and well defined by recognized authorities on international law" (ibid., para. 4).

7. See the Geneva Conventions common Article 3. See also the text that accompanies note 17.

8. Compare *R.* v. *Thain* [1985] 11 N.I.J.B. 31 (conviction affirmed) with *R.* v. *McNaughton* [1975] N.I. 203 and *R.* v. *Bohan* and Another [1979] 5 N.I.J.B. (defendants acquitted).

9. See Yoram Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict* (United Kingdom: Cambridge University Press, 2004), 119-23. Compare Lord Diplock's statement in Attorney General for Northern Ireland's Reference [1976] N.I. 169 (contrasting the soldier's role with that of a civilian police officer): "[A] soldier who is employed in aid of the civil power in Northern Ireland is under a duty enforceable under military law to search for criminals if so ordered by his superior officer and to risk his own life if this be necessary in preventing terrorist acts. For the performance of this duty he is armed with a firearm, a self-loading rifle, from which a bullet, if it hits the human body, is almost certain to cause serious injury if not death."

10. Mark Urban, *Big Boys' Rules*: *The Secret Struggle against the IRA* (London: Faber & Faber, 1992), 70.

11. Fionnuala ni Aolain, *The Politics of Force: Conflict Management and State Violence in Northern Ireland* (Belfast: The Blackstaff Press, 2000), 125. Ni Aolain mistakenly claims that Protocols I and II of the 1977 Geneva Convention would apply as well. However, no one contends that the Protocols merely restate customary international law that would have been binding on the United Kingdom in the 1970s whether or not it ratified the Protocols. In fact, the United Kingdom did not ratify the Protocols and assent to their provisions until 1998.

12. Albericus Gentilis, *De Jure Belli* (1588), quoted in George Grafton Wilson, *Handbook of International Law,* 3d ed. (St. Paul, MN: West Publishing Company, 1939), 253.

13. There are four Conventions of 12 August 1949: one "for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field," T.I.A.S. 3362; a similar Convention applicable to "Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea," T.I.A.S. 3363; a third applicable to the "Treatment of Prisoners of War," T.I.A.S. 3364; and a fourth applicable to the "Protection of Civilian Persons in Time of War," T.I.A.S. 3365. They were ratified by the United States and came into force in the United States on 2 February 1956.

14. R.T. Yingling and R.W. Ginnane, "The Geneva Conventions of 1949," *American Journal of International Law* 46 (1952): 393.

15. Third Geneva Convention, Art. 4.

16. Ibid., Art.3.

17. The IRA does not seem to meet the criteria envisaged by the drafters of the Convention. See Jean S. Pictet, ed., *Commentary on Geneva Convention IV* (Geneva: International Committee of the Red Cross [ICRC], 1958), 35-36.

18. [1973] N.I. 31. Because of Army manpower limitations the list was subsequently cut to 450. Of these, 346 men were arrested. After 48 hours, 79 men were released. The remaining 267 were placed either in the Crumlin Road jail in Belfast or a vessel moored in Belfast Lough (Hamill, n. 4, 57-61). See also Fergal Davis, in "Internment without Trial: The Lessons from the United States, Northern Ireland & Israel" (unpublished, copy on file with the author), 14. Davis offers slightly different numbers: 342 arrested and 116 released within 48 hours.

19. Parliament passed the Act during the time when the Irish guerrilla War of Independence was winding down. A legal challenge to the Act was rejected on the grounds that the powers granted were similar to those that had been upheld in wartime. *R.* [*O'Hanlon*] v. *Governor of Belfast Prison* [1922], 56 I.L.T.R. 170.)

20. As to arrest powers, see Gerard Hogan and Clive Walker, *Political Violence and the Law in Ireland* (United Kingdom: Manchester University Press, 1989), 47. The legal problems faced by the Army in the early days of The Troubles were trenchantly described by a serving officer and qualified lawyer who was obliged to retire after publication of his criticisms (LTC Robin Evelegh, *Peacekeeping in a Democratic Society* [London: Hurst, 1972]).

21. Hogan and Walker said: "After 1972, 'detention' replaced 'internment' as the official nomenclature. This change was supported by the Diplock Report but the Baker Report thought 'detention' no less pejorative. It also confusingly overlaps with police powers."

22. Andrew Harding and John Hatchard, eds., *Preventive Detention and Security Law: A Comparative Survey* (The Netherlands: Kluwer, 1993), 10.

23. See *McElduff's Case* [1972] N.I.1; Jean S. Pictet, ed., *Commentary on Geneva Convention IV* (Geneva: ICRC, 1958), 35-36. See also *Kelly* v. *Faulkner*.

24. The process, similar to that which the United States is slowly constructing, is described in R.J. Spjut, "Executive Detention in Northern Ireland: The Gardiner Report and the Northern Ireland (Emergency Provisions) (Amendment) Act 1975," *Irish Jurist* X (1975): 272-99.

25. Unless otherwise noted, the narrative is based on Hamill.

26. Ibid., 66-67.

27. John McGuffin, *The Guinea Pigs* (London: Penguin Books, 1974), on-line at <www.irishresistancebooks.com/guineapigs/guineapigs.html>.

28. *Report of the Enquiry into Allegations against the Security Forces of Physical Brutality in Northern Ireland Arising out of the Events of 9th August, 1971*, presented to Parliament by the Secretary of State for the Home Department by Command (Command 4823) of Her Majesty, November 1971 (United Kingdom: Her Majesty's Stationery Office, 1971).

29. The British Government came to regret giving detainees and prisoners convicted of politically motivated crimes the status of political prisoners and exempting them from prison work regulations. Paramilitary leaders, both IRA and (subsequently) Protestant terrorists were given control over their men, imposing discipline, setting their own work programs, and holding classes in military tactics ("Loyalist and IRA leaders run compounds in Ulster Jail," *The Times*, 22 February 1973, 2C). The practice of limited self-government under "prisoners' representatives" similar to that envisaged by Articles 78-81 of the Third Geneva Convention, was terminated 3 years later. See "Jail violence feared over ending of 'political status,'" *The Times*, 26 February 1976, 4A.

30. *Republic of Ireland* v. *United Kin*gdom; Hamill. See also 2 EHRR 25 (1979-80).

31. Cited in Hamill, 276.

32. Urban, 75.

33. Hamill, 167.

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